

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MAGTEN ASSET MANAGEMENT CORP.,

Plaintiff,

v.

MICHAEL J. HANSON and ERNIE J. KINDT,

Defendants.

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C.A. Action No. 05-499 (JJF)

[PROPOSED] ORDER

AND NOW, upon consideration of the Motion in Limine of Magten Asset Management Corporation to Exclude the Expert Report and Testimony of Stephen J. Scherf (the "Motion to Exclude"), and the arguments of counsel with respect thereto;

IT IS HEREBY ORDERED that the Motion to Exclude is GRANTED.

SO ORDERED this ____ day of _____, 2008.

The Honorable Joseph J. Farnan, Jr.
United States District Court Judge